REMARKS/ARGUMENTS

By this amendment, claims 2 and 13 are amended. Applicants acknowledge the Examiner's comment regarding the status of claim 15. Claims 1-19 are pending, of which claims 1,6-12, and 14 are withdrawn.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claim objections

The Examiner is correct that this claim was first introduced in the Response of May 16, 2007 (and thus it status should have been "new" rather than "currently amended" in that Response). The status of claim 15 is correctly indicated herein as "previously presented."

It is thus respectfully requested that this objection be withdrawn.

Claim rejections – 35 U.S.C. § 112

Claims 2-5, 13, 16-19 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite.

Independent claims 2 and 13 have been amended. The term "W_4" in the formulas has been withdrawn and replaced by "W_3". Necessary support can be found in the description of the application as filed (see page 6), and in the priority document (see claim 1, and description page 7).

A comma has been added in the sentence "*W_2 represents a single bond, W_1, an oxygen atom…*" as it was originally the case in the original French priority document: this error should thus by considered by the Examiner as an obvious translation typo.

These amendments are respectfully considered as overcoming the claim rejections of the Examiner.

Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 112 rejection are respectfully requested.

Rejection under 35 USC §103

Claims 2-5 and 13 are rejected under 35 USC 103(a) as allegedly being obvious over U.S. Patent No. 3,627,872 to Parkinson in combination with International Application WO 97/49733 to Francotte. This rejection is respectfully traversed.

Parkinson discloses a process of lowering hypercholesterolemia in mammals and birds which comprises the oral administration thereto of an effective amount of an amino, morpholino or guanidino anion exchange ether of a member selected from the group consisting of dextran, cross-linked starch, cross-linked cellulose, and cross-linked hydroxyethyl cellulose, the said cross-linked substances being water insoluble and containing ether bridges of the type –O-X-O- wherein X represents an "*aliphatic radical having 3 to 10 carbon atoms inclusive*" see col. 2, l.7-8).

According to the Examiner, the "aliphatic radical" of Parkinson would unambiguously mean a radical containing 4 carbons, which is the same as in the present invention.

However, Parkinson specifies what it is meant by "aliphatic radical" and gives a list of radicals suitable for implementing the invention, which all contain hydroxyl groups. These hydroxyl groups are very important since they are involved in the reaction of copolymerization, and thus constitute an essential feature of Parkinson's invention. In this regard, it is worth to be noted that Parkinson mentions "*An illustrative copolymerized product […] is obtained by reacting dextran with epichlorohydrin to yield a copolymerized product containing ether bridges of the type --0--CH2 CH(**OH**)CH 2 --0-- and a content of hydroxyl groups of about 15 percent by weight*." (emphasis added, col.2, l.9-13). Parkinson then cites other radicals, which may be used by the man skilled in the art, which all contain hydroxyl groups.

As a result, Parkinson teaches the use of radicals with ether bridges containing hydroxyl groups.

Consequently, considering that Parkinson "*suggests a compound that reads on the claimed invention*", thus constitutes an interpretation *a posteriori* of this document. The Examiner, having knowledge of the claimed invention, interprets the Parkinson reference in a way that would not have been the one of the man skilled in the art.

Hence, Parkinson neither teaches nor suggests the compounds of the claimed invention nor their use as support material useful for the separation or preparation of enantiomers. Claims 2-5, and 13 are thus non-obvious in view of Parkinson.

Francotte (WO 97/49733) discloses thermally crosslinked polysaccharide derivatives in which the OH groups have been esterified or converted into a carbamate and their use for the chromatographic separation of enantiomers. Francotte does not disclose nor suggest the specific support materials of the claimed invention having a cross-linked polymer comprising specific radicals of formula (I) or (II) containing ether bridges. Francotte also does not disclose or suggest the use of the materials disclosed by Parkinson having ether bridges containing hydroxyl groups as support materials.

Accordingly, neither Parkinson nor Francotte, alone or in combination, teach or suggest the support materials of the claimed invention.

Moreover, Parkinson and Francotte relate to two extremely different technical fields. Parkinson relates to the medical field, in particular to the treatment of hypercholesterolemia, and Francotte relates to support materials for chromatographic separation of enantiomers. Consequently, the man in the art would never have been motivated to look at the Parkinson reference to solve the problem of the separation of enantiomers.

From the foregoing remarks, it clearly appears that the instant invention as defined in claims 2-5, 13 is non obvious over the cited prior art. Accordingly, reconsideration and withdrawal of the obviousness rejection are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that the claims are in condition for allowance. A Notice of Allowance is therefore respectfully solicited. Should the Examiner believe that a discussion with the undersigned counsel would expedite prosecution of the application, a telephone call to number listed below would be welcomed.

Respectfully submitted,

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